

Chapter 2b

Interstate Local Emergency Response Act

Part 1

General Provisions

53-2b-101 Title.

- (1) This chapter is known as the "Interstate Local Emergency Response Act."
- (2) This part is known as "General Provisions."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

53-2b-102 Definitions.

As used in this chapter:

- (1) "Assisting political subdivision" means a political subdivision that provides emergency services to a political subdivision in another state in accordance with a local emergency response agreement between the political subdivisions.
- (2) "Certification" includes any license, certificate, permit, document, or other evidence issued by a government entity that authorizes a person to engage in an activity, within the person's scope of practice, that requires a specific skill set, education, expertise, or other qualifications.
- (3) "Emergency" means:
 - (a) a natural or man-made disaster, a riot, a civil disturbance, violence, criminal activity, a fire, a flood, or extreme weather;
 - (b) an injury, illness, or other medical condition that requires an expedited response; or
 - (c) a circumstance that presents an imminent threat to life, property, or the public health, safety, or welfare.
- (4) "Emergency responder" means a person employed by, under contract with, or acting as an official volunteer for a political subdivision of a state that provides emergency services, including any of the following:
 - (a) a law enforcement officer;
 - (b) a firefighter;
 - (c) a provider of medical services or first aid;
 - (d) an explosives expert;
 - (e) a person who provides hazardous materials containment or cleanup; or
 - (f) another provider of emergency services.
- (5) "Emergency services" means services provided by a public entity in response to an emergency.
- (6) "Interstate emergency response agreement" means an agreement described in Subsection 53-2b-202(1) between Utah and another state authorizing a political subdivision in Utah to enter into an agreement to provide emergency services to, and receive emergency services from, a political subdivision in the other state.
- (7) "Local emergency response agreement" means an agreement described in Subsection 53-2b-202(2)(a) that is:
 - (a) between a political subdivision in Utah and a political subdivision in another state, providing for the provision of emergency services to, or the receipt of emergency services from, each other; and
 - (b) entered into under the provisions of this chapter.

- (8) "Requesting political subdivision" means a political subdivision that requests emergency services from a political subdivision in another state in accordance with a local emergency response agreement between the political subdivisions.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

Part 2

Emergency Response Agreements

53-2b-201 Title.

This part is known as "Emergency Response Agreements."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

53-2b-202 Interstate emergency response agreement -- Local emergency response agreement.

- (1) The governor may enter into an interstate emergency response agreement with another state, if the other state enacts a law substantially similar to this chapter, to permit and establish procedures and requirements relating to the sharing of emergency services between political subdivisions of the states under circumstances where the provisions of Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, do not apply, including:
- (a) when emergency responders in an assisting political subdivision may respond to an emergency more easily, quickly, or at less cost than responders in a requesting political subdivision;
 - (b) when a requesting political subdivision desires emergency responders in an assisting political subdivision to provide additional resources or other assistance in response to an emergency in the requesting political subdivision; or
 - (c) when emergency responders in a requesting political subdivision are unable to respond, or unable to adequately respond, to an emergency in the requesting political subdivision.
- (2) An emergency response agreement shall:
- (a) permit a political subdivision in one state to enter into a local emergency response agreement with a political subdivision in another state to permit, and establish procedures and requirements relating to, the sharing of emergency services described in Subsection (1) if the agreement is consistent with the interstate emergency response agreement and the provisions of this chapter;
 - (b) describe the circumstances under which an assisting political subdivision may reject a request to provide resources to a requesting political subdivision;
 - (c) establish requirements relating to reimbursement of the assisting political subdivision by the requesting political subdivision for any loss, damage, costs, compensation of personnel, or other expenses incurred by the assisting political subdivision; and
 - (d) incorporate the provisions described in Part 3, Reciprocity, and Part 4, Miscellaneous Provisions.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

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Part 3 Reciprocity

53-2b-301 Title.

This part is known as "Reciprocity."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

53-2b-302 Reciprocal immunity -- Limitation on liability.

- (1) An officer, employee, or agent of an assisting political subdivision who provides assistance in responding to an emergency in Utah under an emergency response agreement:
 - (a) is protected from liability under the laws of Utah as if the officer, employee, or agent of the assisting political subdivision is an officer, employee, or agent of Utah; and
 - (b) is considered an agent of the requesting political subdivision for the purposes of tort liability and immunity.
- (2) In addition to the protections described in Subsection (1), and except as provided in Subsection (3), an assisting political subdivision, and each officer, employee, or agent of the assisting political subdivision, who provides assistance in responding to an emergency in Utah under an emergency response agreement is not liable for an act or omission performed in good faith in providing the assistance, including the maintenance or use of equipment or supplies.
- (3) The additional liability protection described in Subsection (2) does not apply to misconduct that is willful, wanton, or reckless.

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Enacted by Chapter 331, 2013 General Session

53-2b-303 Reciprocal authority.

- (1) An emergency responder from an assisting political subdivision outside of Utah who responds to an emergency in a requesting political subdivision inside of Utah has the same authority to act as an emergency responder of the same type in the requesting political subdivision.
- (2) An emergency responder from an assisting political subdivision outside of Utah who responds to an emergency in a requesting political subdivision inside of Utah and who holds a certification that is valid in the assisting political subdivision or in the assisting political subdivision's state shall, during the emergency response, have the authority to act as if the emergency responder holds the same certification in the requesting political subdivision or in Utah, if the emergency responder's actions authorized by the certification are taken for the purpose of responding to an emergency in the requesting political subdivision.

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

Part 4

Miscellaneous Provisions

53-2b-401 Title.

This part is known as "Miscellaneous Provisions."

Amended by Chapter 331, 2013 General Session, (Coordination Clause)

Enacted by Chapter 331, 2013 General Session

53-2b-402 Benefits in case of injury or death.

An assisting political subdivision shall provide its officers who respond, under this chapter, to an emergency in a requesting political subdivision and who, during the response, are injured or die in the state of the requesting political subdivision with the same death benefits and compensation, including workers' compensation, that the officers would be entitled to if the emergency and response had occurred in the assisting political subdivision.

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Enacted by Chapter 331, 2013 General Session

53-2b-403 Emergency Management Assistance Compact takes precedence.

The provisions of Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, supercede the provisions of this chapter for any period of time when a declared state of emergency is in effect, under the Emergency Management Assistance Compact, with respect to a requesting political subdivision.

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Enacted by Chapter 331, 2013 General Session